

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 23, 1965
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro Tem Shanks presiding.

Roll call:

Present: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Absent: Mayor Palmer

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND M. L. LUNDQUIST, Gethsemane Lutheran Church.

Mayor Pro Tem Shanks announced Mayor Palmer was attending a conference on the "Super City of Tomorrow" in Dallas.

Councilman LaRue moved that MR. GAYLE ESSARY and MR. VERNON LOOPER be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. ESSARY, Director of the Community Development, Austin Junior Chamber of Commerce, expressed pride in the efforts of the Council regarding obtaining industry in Austin specifically the Atom-Smasher project. He read a resolution unanimously passed by the Junior Chamber of Commerce setting out the Council had officially entered Austin into competition for the "atom-smasher" project, which if attained, would make Austin and Central Texas the scientific center of Texas and the Nation; that Mayor Palmer had spent untold hours and personal expense in working for this project, and had unveiled the "new look" City Council when he announced "Any City Council Member not working actively for industry will have no tears shed upon his departure"; and commending the Council for its official attitude toward this active solicitation of the "atom-smasher" project, and applauding the assistance of the Chamber of Commerce; and offering the assistance of the Austin Jaycees. MR. LOOPER said the Junior Chamber of Commerce stood ready to back the Council in any manner, and applauded the Council for its efforts. A framed resolution was presented to the Council. Mayor Pro Tem Shanks thanked the Junior Chamber of Commerce, and stated this was another illustration where there was community team work, where everyone put their

shoulder to the wheel; and whether Austin gets this project or not, it will not be because everybody was not working for it diligently and no stone will be left unturned in order to try to bring this project to the City of Austin.

Councilman LaRue moved that the Minutes of the Meeting of September 16, 1965, be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

Mayor Pro Tem Shanks brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 47.55 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE JOHN APPLGAIIT SURVEY AND THE JOHN C. BROOKS SURVEY NUMBER 53, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Unplatted land owned by City-Proposed Walnut Creek Metropolitan Park Site)

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The Mayor Pro Tem announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Board of Equalization of the City of Austin has certified its approval of the tax assessment rolls and records of the City of Austin for the year 1965, and has forwarded the same to the City Council; and,

WHEREAS, said tax assessment rolls appear in all respects to be in correct form and prior to their submission the valuations of property shown in said rolls have been examined and corrected in the manner provided by law and ordinances of the City of Austin by the Board of Equalization; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That subject to such adjustments as may be found necessary by reason of appeals pending, the tax assessment roll, showing a total amount of

\$669,256,200.00 valuation for said year, be and the same is hereby approved and adopted.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

Mayor Pro Tem Shanks introduced the following ordinance:

AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF AUSTIN, TEXAS, FOR THE YEAR 1965; AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; DIRECTING THE ASSESSMENT AND COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Shanks introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 10.86 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE ISAAC DECKER LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Greenwood Hills, Section 3)

Councilman LaRue moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin, and set for public hearing on October 7, 1965 at 10:30 A.M. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The City Manager submitted the following:

"September 20, 1965

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, September 17, 1965 at the Office of the Director of the Water and Sewer Department for the installation of 4,982 FEET OF 30-INCH CONCRETE STEEL CYLINDER WATER MAIN AND APPURTENANCES IN PEYTON GIN ROAD FROM JAMESTOWN DRIVE TO U. S. HIGHWAY 183. The purpose of this installation is to connect the existing pipe in Peyton Gin Road to the existing pipe in U. S. Highway 183 and provide for the future growth of this expanding residential and commercial area. The bids were publicly opened and read in the Second Floor Conference Room of the Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>"Firm</u>	<u>Amount</u>	<u>Working Days</u>
Ford-Wehmeyer, Incorporated	\$86,581.80	60
H and M Construction Corporation	86,625.80	50
Eland Construction Company	89,460.50	60
Austin Engineering Company	104,751.00	80
City of Austin (Estimate)	105,280.50	60

"It is recommended that the contract be awarded to Ford-Wehmeyer, Incorporated on their low bid of \$86,581.80 with 60 working days.

"Yours truly,
s/ Victor R. Schmidt, Jr.
Victor R. Schmidt, Jr.
Director Water and Sewer Department"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 17, 1965, for the installation of 4,982 feet of 30-inch concrete steel cylinder water

main and appurtenances in Peyton Glen Road from Jamestown Drive to U. S. Highway 183; and,

WHEREAS, the bid of Ford-Wehmeyer, Incorporated, in the sum of \$86,581.80, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Ford-Wehmeyer, Incorporated, in the sum of \$86,581.80, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Ford-Wehmeyer, Incorporated.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks

Noes: None

Absent: Mayor Palmer

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the application of LANDMARK CONSTRUCTION COMPANY for a building permit together with a site plan dated September 23, 1965 meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 1600 San Antonio, more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of erecting a two story office building the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is thirty-five (35) parking spaces; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That thirty-five (35) spaces is an adequate number of parking spaces for the establishment shown on the site plan of LANDMARK CONSTRUCTION COMPANY dated September 23, 1965 for use of the premises for the purpose of erecting a two story office building.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks

Noes: None

Absent: Mayor Palmer

The Council had before it the recommendation of the Building Standards Commission on a substandard house at 706 Denson belonging to MRS. AGATHA McDONALD. The Building Official reported this was condemned in 1964 and his department had worked with these people for sometime but had not obtained any results. The owner was notified by registered letter that this would be heard by the Council this date. MR. TOMMY SMITH, representing the McDonalds, requested a 60 day extension of time to allow them to make the necessary repair stating they had a carpenter working out there now, and other types of repairs are to be made. The Building Official advised him to get the necessary building permit, and they would work with him. Councilman Long moved that MRS. AGATHA McDONALD be granted 60 days to bring the structure at 706 Denson up to standard, provided they make haste and start immediately obtain their permit and get started. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The Council had before it the following zoning application:

DICK & CARL C. HARDIN	1609-1703 Evergreen Street	From "A" Residence 1st Height & Area To "C" Commercial 2nd Height & Area NOT Recommended by the Planning Commission RECOMMENDED "C" Commer- cial 1st Height & Area
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The City Attorney reviewed the discussion of the week before involving the right of way problem which the Council authorized the purchase of the property subject to the City Manager's being able to find the funds for which to buy, and to reach an agreement with the parties. The Council indicated this was proper zoning in view of the fact the adjoining properties are zoned Commercial. An attempt to work out an agreement with the prospective purchaser for the right of way is being made; and the City will not be affected adversely if the zoning is granted. Councilman LaRue asked if this were the City Manager's recommendation. The City Manager stated it was. Councilman Long asked if the zoning change would affect the property. The City Manager stated they proposed to proceed now with purchase of what was needed and the value they are working with is on the present value. After further discussion, Councilman LaRue moved that the change to "C" Commercial 1st Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

Mayor Pro Tem Shanks introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING
THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN
CITY CODE OF 1954 AS FOLLOWS: A .96 ACRE TRACT,
LOCALLY KNOWN AS 1609-1703 EVERGREEN AVENUE, FROM

"A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT,
SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY,
TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING
OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman IaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen IaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The ordinance was read the second time and Councilman IaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen IaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The ordinance was read the third time and Councilman IaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen IaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The Mayor Pro Tem announced that the ordinance had been finally passed.

The City Manager stated sometime ago TRACOR had requested the Council to name the Highway project designated as Loop 111, as it is being developed now and bounds the Tracor property. This particular property ultimately will be in the City limits, but some sections of Loop 111 are in the City and some outside. The City Manager stated Loop 111 was a semi-circle, running from Interregional Highway east to where it intersects Highway 290; then it proceeds southerly to Montopolis Bridge. It was his recommendation that the section between Highway 290 south be named, and the part running from 290 to the west be named at some later date. Councilman White presented a suggestion that this be named ED BLUESTEIN BOULEVARD, as Mr. Bluestein has been here a long time as District Engineer and had worked closely with the City on everything that came up. Mayor Pro Tem Shanks stated Mr. Bluestein had devoted lots of service to Austin. Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has recently been completed a major traffic facility, designated as Loop 111 by the Texas Highway Department, expediting the safe flow of traffic to and from United States Highway 183, United States Highway 290, Interstate Highway No. 35, F. M. Highway 969, and other thoroughfares; and

WHEREAS, the City Council desires to honor one of the State's most especially diligent and distinguished public servants whose skills, integrity, and devotion to duty over long years has greatly enriched the lives and wellbeing

of all of the people of Texas and particularly the lives of the people of the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the portion of State Highway Loop 111 between United States Highway No. 290 and Montopolis Bridge be and the same is hereby named and designated as "ED BLUESTEIN BOULEVARD" in honor of the life and labors of the distinguished District Engineer of the Texas Highway Department, the beloved Edwin A. Bluestein.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks

Noes: None

Absent: Mayor Palmer

The Assistant City Manager submitted the request of the Southwest Optimist Club, who sponsors Babe Ruth Little League for Christmas Tree space on the southeast corner of the Auditorium Parking Lot. This would create traffic difficulties; and they have selected another location on the corner of Bouldin and Barton Springs Road, south of Disch Field and east of the transformer site. The Manager of the Auditorium recommends that this site be approved for them. Councilman LaRue asked if this were acceptable to the group. It was stated it was. Councilman Long moved that the City Manager enter into an agreement to allow the Southwest Optimist Club to sell Christmas trees on this specified location. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks

Noes: None

Absent: Mayor Palmer

The City Manager reviewed the matter of Mac Flournoy and Mrs. A. B. Beddow in regard to right of way on East 38 $\frac{1}{2}$ Street and Airport Boulevard. In line with the resubdivision of the property Mr. Flournoy was told that the owner by dedicating 15' of right of way would be paid for 10' and she would donate the 5'. The City Manager stated there seemed to be some confusion about the intent of the Council concerning the right of way policy, and the Minutes are not clear as to the Council's intent. The way the policy was to be applied is vague. He illustrated his interpretation of the policy stating if there were a 50' right of way, and an 80' width were needed, and one person had already provided 15' without pay, making the roadway 65', then if another owner came along and provided 15' and is paid for 10', that would not be fair. The people on each side are entitled to equal treatment. It was his opinion that this was what the Council intended and it is a fair way to apply the rule. In this particular case in view of the fact there has been a difference in opinion on how the rule should be applied, he recommended accepting the dedication of the 5' and paying for the 10'; and in the future the matter would be clarified. Councilman Long stated inside the City there would not be many resubdivisions of new subdivisions. She asked for the policy to be sent out early so she could study it before she voted on it. The City Attorney stated in view of the way the policy has been applied, and these property owners were advised that this was the way it had been applied and had acted in reliance upon it, that this particular case be handled in this manner, only in conjunction with the adoption of a resolution expressing the policy. The City Manager suggested that this particular case and the resolution

be acted upon simultaneously. Mayor Pro Tem Shanks suggested postponing this until Mayor Palmer returned. He asked if there were a time element involved, and it was stated there was. The City Manager read Minutes on the policy and pointed out confusion on the boundary streets. Mayor Pro Tem Shanks suggested calling Mrs. Beddow and Mr. Flournoy and telling them it is the intent to buy the 10' and accept the 5' dedication, but the Council wants to establish this uniform policy once and for all, and that it will probably do that this coming Thursday. The City Attorney stated Mrs. Beddow was willing to cancel the lease with Mr. Flournoy. Councilmen Long and White were ready to go ahead and take action on this particular case. Councilman LaRue stated if this were acted on, that this is not the established policy; that the policy will be clarified later, and this will be acting on this one instance. Councilman Long moved that the Council go ahead and accept the 15' of dedication and pay for 10' for the property on 38¹/₂ Street and Airport Boulevard. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The Council recognized MRS. BOB ARMSTRONG, JR.

The City Manager stated the Special Permit formerly agreed upon to grant MAURICE DOKE permission to build over the lake, will be ready for formal action next week.

There being no further business, Councilman White moved that the Council adjourn. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Pro Tem Shanks
Noes: None
Absent: Mayor Palmer

The Council adjourned at 10:40 A.M. subject to the call of the Mayor.

APPROVED _____

Mayor Pro Tem

ATTEST:



City Clerk